

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Michael D. Hillman et al.)
Serial No.: 10/741,671)
Filed: December 19, 2003)
For: COMPUTER CONTROLLED)
DISPLAY DEVICE)

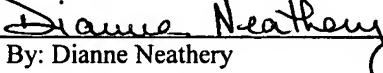
Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Not yet assigned

Art Unit: 2611

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to MS: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2004


By: Dianne Neathery

PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS

Under 37 C.F.R. § 1.47(a)

Dear Sir:

In response to the Notice to File Missing Parts of NonProvisional Application mailed April 6, 2004, Applicant respectfully submits a petition to file on behalf of omitted inventor, Frank R. Tsai. Included with this petition are the following items:

- 1) A declaration of facts from J. Scott Heileson providing proof of pertinent facts concerning the unavailability of inventor Frank R. Tsai to execute the Declaration for filing in the U.S. Patent and Trademark Office.
- 2) A combined Declaration and Power of Attorney signed by joint inventors Michael D. Hillman, Michael D. McBroom, Daniel L. McBroom, Brian T. Sudderth, Bartley K. Andre, Christopher Stringer, Daniel Riccio, Clifford Jue, Theo Mann, Opher Doron Yom-Tov, Jesse Arnold Fourt, Ben Tarbell, and Tony Lawson.

10/08/2004 RMEBRAHT 00000013 10741671

02 FC:1460

130.00 0P

Atty Docket No.: 4860P2667X1
Confirmation No.: 4171

3) The required \$130.00 petition fee pursuant to 37 C.F.R. § 1.17(h) for the petition to file by other than all the inventors (37 C.F.R. § 1.47(a)).

The last known name and address of the joint inventor unavailable to execute and otherwise cooperate in the prosecution of the present patent application is:

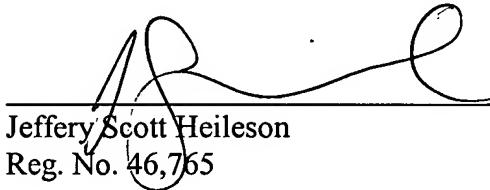
Frank R. Tsai
267 Eureka Ct.
Sunnyvale, CA 94085-3030

On December 19, 2003, Applicant filed a patent application, which required an executed declaration by all the inventors. As supported in the enclosed declaration of facts by J. Scott Heileson, Applicant could not determine Mr. Tsai's current mailing address or contact information in order to send a Declaration and Power of Attorney to be executed.

The required fee pursuant to 37 C.F.R. § 1.17(h) is enclosed. If there is a deficiency in fees, please charge our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: October 5, 2004


Jeffery Scott Heileson
Reg. No. 46,765

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity				
Fee	Fee	Fee	Fee	Fee Description		Fee Paid
Code	(\$)	Code	(\$)			
1051	130	2051	65	Surcharge - late filing fee or oath		<u>130.00</u>
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		
1053	130	1053	130	Non-English specification		
1812	2,520	1812	2,520	For filing a request for ex parte reexamination		
1813	8,800	1813	8,800	Request for inter parties reexamination		
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
1251	110	2251	55	Extension for reply within first month		
1252	430	2252	215	Extension for reply within second month		
1253	980	2253	490	Extension for reply within third month		
1254	1,530	2254	765	Extension for reply within fourth month		<u>1530.00</u>
1255	2,080	2255	1,040	Extension for reply within fifth month		
1401	340	2401	170	Notice of Appeal		
1402	340	2402	170	Filing a brief in support of an appeal		
1403	300	2403	150	Request for oral hearing		
1451	1,510	1451	1,510	Petition to institute a public use proceeding		
1452	110	2452	55	Petition to revive – unavoidable		
1453	1,370	2453	685	Petition to revive - unintentional		
1501	1,370	2501	685	Utility issue fee (or reissue)		
1502	490	2502	245	Design issue fee		
1503	660	2503	330	Plant issue fee		
1460	130	1460	130	Petitions to the Commissioner		<u>130.00</u>
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		
1806	180	1806	180	Submission of Information Disclosure Stmt		
8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))		
1814	110	2814	55	Statutory Disclaimer		
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))		
1801	790	2801	395	Request for Continued Examination (RCE)		
1802	900	1802	900	Request for expedited examination of a design application		
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.		
1505	300	1505	300	Publication fee for republication		
1803	130	1803	130	Request for voluntary publication or republication		
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)		
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority		

Other fee (specify) _____

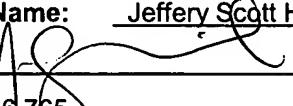
Other fee (specify) _____

SUBTOTAL (3) \$ 1,790.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: Jeffery Scott Heilesen

Signature:  Date: October 5, 2004

Reg. Number: 46,765 Telephone Number: 408 720 8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



FEE TRANSMITTAL FOR FY 2005

(FY 2005 Begins 10/01/2004)

TOTAL AMOUNT OF PAYMENT (\$) 1,790.00

Complete if Known:

Application No. 10/741,671
 Filing Date December 19, 2003
 First Named Inventor Michael D. Hillman
 Examiner Name Not yet assigned
 Art Unit 2611
 Attorney Docket No. 4860.P2667X1 (formerly 4860.P2667D02)

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Checks Credit Card Money Order Other None

Deposit Account
 Deposit Account Number : 02-2666
 Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:
 Charge fee(s) indicated below.
 Credit any overpayments.
 Charge any additional fees during the pendency of this application.
 Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.
 Charge fee(s) indicated below except for the filing fee.

FEE CALCULATION

1. BASIC FILING FEE

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee	Fee	Fee
Code	(\$)	Code	(\$)
1001	790	2001	395
1002	350	2002	175
1003	550	2003	275
1004	790	2004	395
1005	160	2005	80
		Utility application filing fee	_____
		Design application filing fee	_____
		Plant filing fee	_____
		Reissue filing fee	_____
		Provisional application filing fee	_____
SUBTOTAL (1)			<u>.00</u>

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>- 20** =</u>	<u>X</u>	<u>=</u>
Independent Claims	<u>- 3** =</u>	<u>X</u>	<u>=</u>
Multiple Dependent		<u>=</u>	

**Or number previously paid, if greater; For Reissues, see below.

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>
Fee	Fee	Fee
Code	(\$)	Code
1202	18	2202
		9
		Claims in excess of 20
1201	88	2201
		44
		Independent claims in excess of 3
1203	300	2203
		150
		Multiple dependent claim, if not paid
1204	88	2204
		44
		**Reissue independent claims over original patent
1205	18	2205
		9
		**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) .00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Michael D. Hillman, et al.)
Serial No.: 10/741,671)
Filed: December 19, 2003)
For: COMPUTER CONTROLLED DISPLAY)
DEVICE)

Examiner: Unassigned
Art Unit: 2611

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

Dear Sir:

I, J. Scott Heileson, having personal knowledge of the facts set forth herein, hereby declare and say as follows:

1. On December 15, 2003, I emailed Mr. Tsai asking for a mailing address to which I could mail the declaration for the present application. On December 17, I received an email from Mr. Tsai (attached as Exhibit A) stating that he did not have a permanent address or access to a fax. Mr. Tsai instructed that I mail the declaration to 101 Eye St., San Rafael, California, 94901, Attention Sterling Boyd. Mr. Tsai stated that Ms. Boyd would make sure he received the documents.
2. On April 14, 2004, in response to an email requesting his latest contact information, Mr. Tsai repeated his instructions to mail documents to the Eye St. address care of Ms. Boyd (attached as Exhibit B).
3. On May 7, 2004, a declaration for the present application, along with a complete copy of the application as filed, was delivered via Federal Express to Mr. Tsai care of Ms. Boyd at the Eye St. address. No response to this delivery has been received. Documentation of this delivery is attached as Exhibit C.

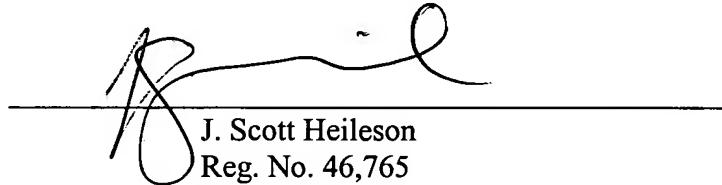
4. Email communications were sent to Mr. Tsai on May 7, May 18, May 25, and June 2, 2004. No response has been received to these communications.
5. On June 4, 2004, a declaration for the present application, along with a complete copy of the application as filed, was mailed to Mr. Tsai c/o Ms. Boyd at the Eye St. address via United States Postal Service with confirmation and Return Receipt with restricted Delivery. The delivery was refused. Documentation of this delivery attempt is attached as Exhibit D.
6. On June 4, 2004, a declaration for the present application, along with a complete copy of the application as filed, was mailed to Frank R. Tsai at his last known (as of June 4, 2004) address of 7698 Brookwood Dr., Huntington Beach, California 92648 via United States Postal Service with confirmation and Return Receipt with Restricted Delivery. A delivery attempt was made on June 7, 2004, and a notice was left at the residence. The item was later delivered on June 30, 2004. No response to this delivery has been received. Documentation of the delivery attempt is attached as Exhibit E.
7. Based on an updated search performed on September 20, 2004, Mr. Tsai was potentially linked to a previously unknown address at 267 Eureka Court, Sunnyvale, California, 94085. Several attempts were made by myself to contact Mr. Tsai in person at the Eureka Ct address. The attempts were unsuccessful in contacting Mr. Tsai. I left my contact information with residents at the Eureka Ct address, with instructions to pass it on to Mr. Tsai. However, no reply has been received.
8. On September 27, 2004, a declaration for the present application, along with a complete copy of the application as filed, was mailed to Frank R. Tsai at the Eureka Ct address via United States Postal Service, with confirmation and Return Receipt with Restricted Delivery. A delivery attempt was made on September 29, 2004, and a notice was left at the residence. No response to this delivery has been received. A copy of the Certified Mail Receipt and documentation of the delivery attempt is attached as Exhibit F.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that all these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: October 5, 2004



J. Scott Heileson
Reg. No. 46,765

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300



frank tsai
<frtsai@yahoo.com>
12/17/2003 09:47 PM

To: Scott_Heileson@bstz.com
cc:
Subject: Re: Apple Patent cases

Hi Scott,

I am currently traveling overseas, and don't have a permanent address at the moment or access to fax. Any documents you need signed can be sent to the following address in the US:

101 Eye St.
San Rafael, CA 94901
Attn: Sterling Boyd

Please make sure you attention the envelope to Sterling. She will make sure I receive the documents.

Thank you.

Frank

--- Scott_Heileson@bstz.com wrote:
> Hi Frank,
>
> I am an attorney working on patent applications for
> Apple Computer for
> which you are a named inventor. The patent
> applications relate to
> variations of the iMac. We need you to sign some
> documents. Are you
> available to receive the documents via fax, or
> perhaps email? (I could
> email you the documents in pdf form, and then you
> can fax the signed
> version to me). Also, can I have your mailing
> information, as well as your
> citizenship. If you have any questions, please feel
> free to contact me.
>
> J. Scott Heileson, Esq.
> Blakely Sokoloff Taylor & Zafman LLP
> 1279 Oakmead Parkway
> Sunnyvale, California 94085-4040
> Tel: (408) 720-8300 Ext. 301
> Fax: (408) 720-8383
> Scott_Heileson@bstz.com
>
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<http://photos.yahoo.com/>



frank tsai
<frtsai@yahoo.com>
04/14/2004 08:31 PM

To: Scott_Heileson@bstz.com
cc:
Subject: Re: Apple Patent cases

Hi Scott,

Please mail the documents to the address you have on record below. Thank you.

Frank

--- Scott_Heileson@bstz.com wrote:
> Hi Frank,
>
> I am just following up with you to see if you have a
> permanent address yet.
> We will be mailing formal documents out to you
> within the next month or so.
> The last contact info we have for you is:
>
> 101 Eye St.
> San Rafael, CA 94901
> Attn: Sterling Boyd
>
>
> In preparation for the documents, we need your full
> legal name, address
> (any will do) and citizenship. Thank you.
>
> J. Scott Heileson, Esq.
> Blakely Sokoloff Taylor & Zafman LLP
> 1279 Oakmead Parkway
> Sunnyvale, California 94085-4040
> Tel: (408) 720-8300 Ext. 301
> Fax: (408) 720-8383
> Scott_Heileson@bstz.com
>
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>
>

Do you Yahoo!?
Yahoo! Tax Center - File online by April 15th
<http://taxes.yahoo.com/filing.html>



FedEx
<donotreply@fedex.com>
To: <cbachmann@bstz.com>
cc:
Subject: FedEx shipment 792632658357

05/07/04 10:15 AM
Please respond to
FedEx

Our records indicate that the shipment sent from CATHY CB BACHMANN/BLAKELY,
SOKOLOFF, TAY
to Frank Tsai has been delivered.
The package was delivered on 05/07/2004 at 9:57 AM and signed for
or released by S.RFA411052.

The ship date of the shipment was 05/06/2004.

The tracking number of this shipment was 792632658357.

FedEx appreciates your business. For more information about FedEx services,
please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=792632658357&action=track&language=english&cntry_code=us

Disclaimer

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LAST AVAILABLE COPY

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

CERTIFIED MAIL



7095 3220 0000 9299 2067

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRANK TSAI
c/o STERLING BOYD
101 EYE STREET
SAN RAFAEL, CA
94901

COMPLETE THIS SECTION ON DELIVERY		
A. Received by (Please Print Clearly)	B. Date of Delivery	
C. Signature X	<input type="checkbox"/> Agent <input type="checkbox"/> Address see	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:		

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 Yes

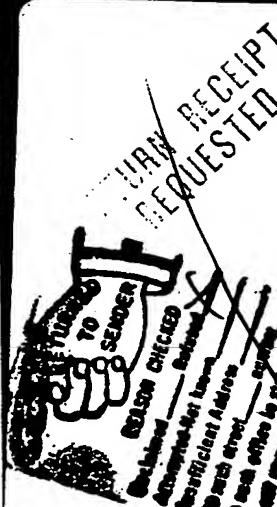
2. Article Number (Copy from service label)

PS Form 3811, July 1989
Domestic Return Receipt
10258-99-1178

FROM:
BLAKELY SOKOLOFF
TAYLOR & ZAFMAN
A Limited Liability Partnership
including Law Corporations
1278 Oakmead Parkway
SUNNYVALE, CALIFORNIA
94085-4040

To:

Frank Tsai
Attn: Sterling Boyd
101 Eye Street
San Rafael, CA 94901



BEST AVAILABLE COPY

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

2067 9299 0000 0000 3220 7099

5X	Postage	\$ 14.80
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	3.50
	Total Postage & Fees	\$ 22.35



Name (Please Print Clearly) (To be completed by mailer)
FRANK TSAI, C/O STERLING BOYD
Street, Apt. No.; or PO Box No.
101 EYE STREET
City, State ZIP **SAN RAFAEL, CA 94901**

PS Form 3800, July 1999

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRANK TSAI
7698 BROOKWOOD DRIVE
HUNTINGTON BEACH, CA
92648

2. Article Number (Copy from service label)

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

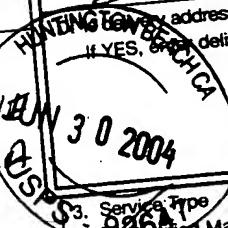
SHIH MZ/TSS/

B. Date of Delivery

12/11/04

C. Signature

X



HUNTING BEACH, CA
If YES, enter delivery address below:

Agent
 Addressee

Yes
 No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Domestic Return Receipt

102595-99-M-1789

BEST AVAILABLE COPY

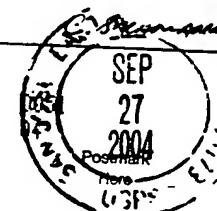
U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

FRANK TSAT
SUNNYVALE CA 94085-3030

2257 2291 2692 0006 2220 2220 7099

Postage	\$ 14.80
	32.30
Certified Fee	2.80
	1.75
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 18.85



09/27/2004

Name (Please Print Clearly) (To be completed by mailer)

FRANK TSAT

Street, Apt. No., or PO Box No.

267 EUREKA CT

City, State, ZIP+4

SUNNYVALE, CA 94085-3030

PS Form 3800, July 1999

See Reverse for Instructions

BEST AVAILABLE COPY

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																											
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">A. Received by (Please Print Clearly)</td> <td style="width: 50%;">B. Date of Delivery</td> </tr> <tr> <td colspan="2">C. Signature</td> </tr> <tr> <td colspan="2"> <input checked="" type="checkbox"/> X </td> <td> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </td> </tr> <tr> <td colspan="2">D. Is delivery address different from item 1?</td> <td> <input type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> <tr> <td colspan="2">1. Article Addressed to:</td> <td colspan="2"> FRANK TSAT 267 EUREKA CT. SUNNY VALLEY, CA 94085-3030 </td> </tr> <tr> <td colspan="2">3. Service Type</td> <td colspan="2"> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </td> </tr> <tr> <td colspan="2"></td> <td colspan="2"> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </td> </tr> <tr> <td colspan="2">4. Restricted Delivery? (Extra Fee)</td> <td colspan="2"> <input checked="" type="checkbox"/> Yes </td> </tr> </table>		A. Received by (Please Print Clearly)	B. Date of Delivery	C. Signature		<input checked="" type="checkbox"/> X		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	D. Is delivery address different from item 1?		<input type="checkbox"/> Yes <input type="checkbox"/> No	1. Article Addressed to:		FRANK TSAT 267 EUREKA CT. SUNNY VALLEY, CA 94085-3030		3. Service Type		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail				<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee)		<input checked="" type="checkbox"/> Yes	
A. Received by (Please Print Clearly)	B. Date of Delivery																												
C. Signature																													
<input checked="" type="checkbox"/> X		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee																											
D. Is delivery address different from item 1?		<input type="checkbox"/> Yes <input type="checkbox"/> No																											
1. Article Addressed to:		FRANK TSAT 267 EUREKA CT. SUNNY VALLEY, CA 94085-3030																											
3. Service Type		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail																											
		<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.																											
4. Restricted Delivery? (Extra Fee)		<input checked="" type="checkbox"/> Yes																											
2. Article Number (Copy from service label)		Domestic Return Receipt																											
PS Form 3811, July 1999		102595-00-M-0852																											



Track & Confirm

Shipment Details

You entered 7099 3220 0006 2691 2257

We attempted to deliver your item at 11:58 am on September 29, 2004 in SUNNYVALE, CA 94085 and a notice was left. It can be redelivered or picked up at the Post Office. If the item is unclaimed, it will be returned to the sender. Information, if available, is updated every evening. Please check again later.

Here is what happened earlier:

- ACCEPTANCE, September 27, 2004, 7:33 pm, SAN JOSE, CA 95122

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Enter label number:

[Track & Confirm FAQs](#)